

## REMARKS

Reconsideration and further examination of the above-identified application are respectfully requested in view of the RCE submitted herewith and in view of the amendments, and the discussion that follows. Claim 1-20 are pending in this application. Claim 13 has been rejected under 35 U.S.C. §112, second paragraph as being indefinite. Claims 1-20 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Federov (U.S. Pat. No. 6,047,060) in view of Shaffer (U.S. Pat. No. 6,363,145). Claims 1, 11, 13 and 20 have been amended. After a careful review of the claims and references, it is believed that the claims are in allowable form and a Notice of Allowance is respectfully requested.

Claim 13 has been rejected because of indefiniteness for lack of antecedent for the "promotion". Claim 13 has been amended to correct antecedent and further clarify the claim. Thus, all the claims, as amended, are believed to comply with 35 U.S.C. §112.

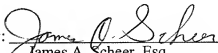
Claims 1-20 were rejected as being obvious in view of Federov and Shaffer. Federov concerns a system and method for supervisor monitoring of telephone conversations to and from a call center. Federov does not describe monitoring a non-voice data session between agent and caller nor automatic monitoring to automatically engage a supervisor in response to the monitoring. Shaffer describes automatic monitoring but only of voice and does not automatically engage the supervisor in response to the monitoring but requires the supervisor to select the option to establish monitoring after notification.

Independent Claims 1, 11, and 20, as amended, clarify that the automatic monitoring is of a non-voice data session between a first and second party and that engaging is automatic in response to the automatic monitoring. The call monitoring described in Col. 5 of Federov is manual monitoring of telephone conversations (i.e., "a supervisor at one station may monitor telephone conversations at another station"; -Abstract, lines 7-8) but is not automatic monitoring. Nor does Federov concern non-voice data sessions (e.g. made up of text messages, data messages, e-mail, etc. (see para. 30). Federov also does not teach automatic monitoring in which the supervisor is automatically engaged into the data session in response to the monitoring. The claimed monitoring allows the supervisor to view an ongoing data session (see page 13, lines 1-3) after the automatic monitoring has resulted in engaging the supervisor. Thus, Federov does not teach automatic monitoring, does not concern non-voice data sessions and does not teach automatically engaging the third parties (e.g. supervisor) in response to the automatic

monitoring. In Federov, the supervisor merely performs the "monitoring" of a conversation himself without being automatically engaged as in response to automatic monitoring. The Office Action asserts that Federov teaches a supervisor having the ability to connect to the agent's phone, and that this ability to participate in the calls corresponds to engaging, and that the supervisor being active on the monitoring shows that the supervisor is a function of the monitoring. However, the claims call for the third party (e.g. supervisor) to be engaged in response to the monitoring not the supervisor is a function of the monitoring. The supervisor in Federov begins the monitoring by manually injecting himself into the transaction. Similarly, Shaffer monitors only voice data (Col. 2, lines 25-35) and further merely notifies the supervisor but does not automatically engage the supervisor into the transaction. Instead, a notification is sent to the supervisor who then must manually select from a number of options (see Col. 6, lines 33-52). Accordingly, independent claims 1, 11, and 20 are believed to be distinguishable over the combination of Federov and Shaffer because neither reference discloses monitoring non-voice data and neither reference discloses automatically engaging the supervisor into the conversation in response to the automatic monitoring. Therefore, independent Claims 1, 11, and 20 are believed to be neither anticipated nor rendered obvious by any combination of the cited references. In addition claims 2-10, and 12-19 are dependent upon now allowable Claims 1, 11, and 20, and therefore are also believed to be in allowable form.

As discussed above, claims 1-20 are now in allowable form and are not anticipated or rendered obvious by any combination of the cited references. Therefore, allowance of claims 1-20 is believed to be in order and such action is respectfully requested. Should the Examiner be of the opinion that a telephone conference would expedite prosecution of the subject application, he is respectfully requested to telephone applicant's undersigned attorney.

Respectfully submitted,

By:   
James A. Scheer, Esq.  
Registration No. 29, 434

Dated: January 16, 2007  
WELSH & KATZ, LTD.  
Customer No. 24628